



Public Knowledge

November 3, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: GN Docket No. 09-51, A National Broadband Plan for Our Future; GN Docket No. 10-127, Framework for Broadband Internet Service; GN Docket No. 09-191, Preserving the Open Internet; WC Docket No. 07-52, Broadband Industry Practices; CS Docket No. 97-80, Commercial Availability of Navigation Devices; MB Docket No. 10-91, Video Device Competition; WT Docket No. 08-7, Petition for Declaratory Ruling that Text Messages and Short Codes are Title II Services or Title I Services Subject to Section 202 Non-Discrimination Rules; ET Docket No. 04-186, Unlicensed Operation in the TV Broadcast Bands; MB Docket No. 10-56, Applications of Comcast, General Electric Company, and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licensees; MB Docket No. 10-71, Petition for Rulemaking to Amend the Commission's Rules Governing Retransmission Consent; GN Docket No. 09-157, Fostering Innovation in the Wireless Communications Market; MB Docket No. 07-198, Review of the Commission's Program Access Rules and Examination of Programming Tying Arrangements; WT Docket No. 05-265, Reexamination of Roaming Obligations of Commercial Mobile Radio Services Providers; WC Docket No. 05-25, Special Access Rates for Price Cap Local Exchange Carriers.

Dear Ms. Dortch:

On November 2, 2010 I met with Ruth Milkman, Chief of the Wireless Bureau. This notice is submitted in compliance with Section 1.1206(b) of the Commission's Rules.

I gave an overview of Public Knowledge's (PK) priorities at the Commission along with a brief explanation of the outcome PK seeks for each proceeding. They are as follows:

1. *Broadband Authority:* I urged that the Commission complete its "Third Way" proceeding expeditiously and no later than the end of this year. As it has stated in its comments, PK believes that the FCC will be on the firmest legal ground to address broadband issues related to public safety, Universal Service, Lifeline/Linkup and other priorities in the National Broadband Plan if it classifies broadband Internet access as a telecommunications service under Title II of the Communications Act.

2. *Network Neutrality:* I also urged that the Commission simultaneously complete its open Internet rulemaking proceeding and argued that the Commission has the authority to adopt open Internet rules.

3. *Text Messaging:* I advocated that the Commission grant Public Knowledge's nearly three year old petition to classify text messages and short codes under Title II of the Communications Act.

4. *Spectrum Policy/White Spaces*: I expressed concern on the effect of proposed “incentive auctions” on the Commission’s recent TV White Spaces decision and on low power TV stations, which are a major source of news and information for the Latino community. I also expressed concern that while obtaining more spectrum for broadband is a noble goal, the equally important goal of broadband competition would be frustrated if the largest wireless carriers were able to obtain much or most of that spectrum at auction. Finally, I urged the Commission to take care with regard to repacking whatever spectrum is returned to ensure that it does not undo its recent decision to permit unlicensed use of the TV white spaces. Public Knowledge would certainly support a national contiguous block of returned TV spectrum being used solely for unlicensed purposes as a substitute for any white spaces that are eliminated.

5. *Wireless Competition*: I expressed support for the Commission mandating data roaming for all wireless carriers and for expeditious reform of the special access market. Public Knowledge believes that the only way that the country’s third, fourth and fifth wireless providers can compete with the two biggest wireless providers (which also happen to be the two biggest landline phone providers) is for the Commission to resolve these two matters.

6. *Allvid*: I reiterated Public Knowledge’s support for rules that would allow a consumer to buy any kind of retail set-top box which can then be used with any subscription TV provider.

7. *Comcast-NBCU Merger/Retransmission Consent/Over-the-Top Video*: I expressed PK’s desire to see conditions on the proposed Comcast-NBC Universal merger that would allow for the nascent “over-the-top” video (OTTV) industry to grow and thrive. While OTTV is not yet a substitute for subscription TV, our concern is that this merger would give the combined entity the incentive and ability to destroy OTTV before it becomes a real competitor to subscription TV. I also expressed Public Knowledge’s concern about how the broken retransmission consent process and initiatives like “TV Everywhere” could harm the growth of OTTV.

Sincerely,



Gigi B. Sohn
President

cc. Ruth Milkman